



UNITED STATES PATENT AND TRADEMARK OFFICE

APR - 5 2004

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
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LEXICON GENETICS INCORPORATED
8800 TECHNOLOGY FOREST PLACE
THE WOODLANDS, TX 77381-1160

In re Application of
Carl Friddle :
Serial No.: 09/940,921 : WITHDRAWAL OF ABANDONMENT
Filing Date: August 28, 2001 :
Attorney Docket No. LEX-0227-USA :

This letter is in response to the Petition under 37 CFR ¶ 1.181, filed September 8, 2003, to withdraw the notice of abandonment.

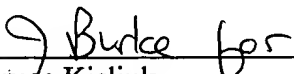
A review of the file history shows that the Office mailed a Notice of Abandonment on July 8, 2003 for failure to respond to an Office action, which was received by Applicant. An Office action was mailed on February 4, 2003 of which Applicant alleges was never received. In support of this statement a copy of Applicants' representatives' Mail Log was enclosed for the month of February (Mail dates and Serial Nos.) which included all US cases received on which the abovementioned action was not included. Also Applicant has demonstrated through exhibits A-D that their Office has a functioning mail and docketing system in place. It is the position of the Office that Applicant has diligently searched their records and the Office action was never received.

DECISION

The Petition is **GRANTED**.

The application will be forwarded to the proper location for re-mailing of the Office action and forwarded to the Examiner for further prosecution on the merits.

Should there be any questions with regard to this letter, please contact Special Program Examiner Julie Burke by letter addressed to the Director, Technology Center 1600, PO Box 1450, Alexandria, VA 22313-1450 or by telephone at (571) 272-0512 or by facsimile transmission at (703) 872-9306.


Bruce Kisliuk
Director, Technology Center 1600